

To
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

PR Docket No. 92-136

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SEP 4 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Ammendment of Part 97 of the
Commissions's Rules to Relax
Restrictions on the Scope of
Permissible Communications
in the Amateur Service.

RM-7849
RM-7895
RM-7896

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MAIL BRANCH

COMMENTS OF
EDWARD MITCHELL
and
KIMBERLY ANDERSON-MITCHELL
Regarding Docket PR 92-136
September 1, 1992

We are writing to express our support for the relaxation of restrictions on the scope of permissible Amateur communications. In particular, we support the position of the American Radio Relay League and the proposed rewrite of the Commission's Rule 97.113.

Widespread confusion has existed concerning appropriate types of communications, particularly with respect to public service communications and emergency communications. As a consequence, one of us wrote a landmark article on the subject for QST Magazine, October 1988, page 54, titled "Emergency Communications: Is it Legal?". This article became the basis for the American Radio Relay League's Chapter 13, "Serving the Public" in The FCC Rule Book. The State of California's Office of Emergency Services also reprints the original article for use in their training material.

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As noted in the original article, confusion over the rules was preventing Amateurs from providing essential communications, even when such communications were clearly legal. In August and September 1987, nearly *700 square miles* of California brush and forest lands were destroyed by wildfire. Tens of thousands of residents were evacuated and many hundreds of Amateurs provided valuable public service communications to government and non-government disaster response and relief agencies. After the fires were out, several Amateurs were heard asking, "Were we legal? Or were we conducting the regular business of these relief agencies? After all, isn't putting out fires their regular business?"

That the above question ever arose illustrates the confusing interpretations of the FCC's rules and the FCC's intent in regards to permissible communications. At one public bicycle tour, featuring 2,500 bicyclists riding on 125 miles of roads in a single day, seven major injury accidents occurred, one requiring a helicopter airlift of the injured patient. Yet during the planning stage of this event, several Amateurs refused to help, stating that the FCC prohibited public service communications!

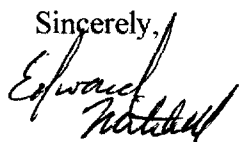
It is clear that rule revisions and various FCC comments (in the form of letters to Amateurs or in comments to Report and Order rulings) have left a confusing trail of what is legal and what is not. The end result is that many Amateurs have avoided providing valuable and voluntary public service communications to public events such as running races, parades, walkathons, bicycle tours, and so forth.

Yet public service communications is the primary training ground for those who will provide backup, auxiliary and primary communications in times of disaster (such as the aftermath of Hurricane Andrew, the Loma Prieta Earthquake, and so on). This training is essential to providing reliable communications support in times of major emergencies. The first time we stood over an seriously injured bicyclist at a bicycle race, adrenalin raced through our veins and we barely had sufficient composure to coherently radio for help. Now, after having done this many times we can provide competent emergency communications and care. When the public needs our help, they need trained assistance. You would not want an untrained paramedic at an accident scene - nor would you want inexperienced Amateurs handling communications at a hurricane ravaged hospital. For this reason, it is essential that the FCC rules encourage public service communications by Amateurs. And the existing rules have not been sufficient to encourage the type of operation that is essential to our public service and emergency communications role.

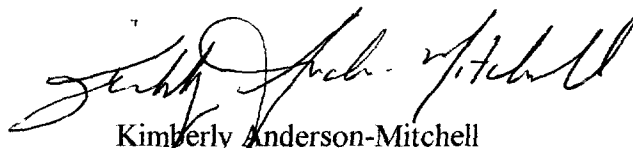
While we have some reservations about the potential abuse, such as business-related telephone-patch access through repeaters, we believe that these problems can be dealt with through local repeater groups. Any repeater group may establish its own policies to prohibit such operations.

Overall, we strongly support the proposed revision of 97.113. The proposed revision successfully relaxes the scope of permissible communications while retaining the overall prohibition on the use of the Amateur Radio Service for routine business communications.

Sincerely,



Edward Mitchell
KF7VY



Kimberly Anderson-Mitchell
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